

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SHEON ANTHONY POLK,

Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:12-CV-22

ORDER OVERRULING OBJECTIONS and
ADOPTING REPORT AND RECOMMENDATION
TO GRANT PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner filed with this Court a petition for a federal writ of habeas corpus challenging the constitutionality of his Potter County, Texas sentences. On September 19, 2017, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant habeas application be granted unless respondent takes action, within sixty (60) days of the date of an Order adopting the recommendation, to reform the Judgments in Cause Nos. 52,536 and 52,537 by deleting the cumulation orders.

On October 3, 2017, respondent filed objections to the Magistrate Judge's Report and Recommendation. On December 5, 2017, petitioner filed a response opposing respondent's objections.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by respondent to the Report and

Recommendation, as well as petitioner's response to the objections. The objections filed by respondent are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is ADOPTED. Accordingly, the petition for a writ of habeas corpus will be granted unless respondent takes action, within sixty (60) days of the date of this Order, to reform the Judgments in Cause Nos. 52,536 and 52,537 by deleting the cumulation orders.

IT IS SO ORDERED.

ENTERED this 30th day of January, 2018.



MARY LOU ROBINSON
UNITED STATES SENIOR DISTRICT JUDGE